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### REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

#### Drawings

The Examiner has objected to Figure 7 of the drawings.

Applicants respectfully submit that the objection to the drawings, which appears to be a substantial duplicate of an earlier objection to the drawings in the Office Action mailed November 7, 2005, was already addressed in the Response mailed February 2, 2006. In particular, amendments to pages 22 and 23 of the specification were made and amendments to Figure 7 were made.

In addition, the Applicants phoned Examiner Stephen Baker on 3/8/07 to discuss the objection to Figure 7. Examiner Baker reviewed the amendments in the Response mailed February 2, 2006 and phoned the Applicants indicating that he believed that the amendments appeared to be sufficient to overcome the objection, but that he would need to review the objection further upon receiving the Response to the Office Action mailed 12/08/06.

#### Specification

The Examiner has objected to the disclosure pertaining to Figure 7.

As discussed above, Applicants respectfully submit that the objection to the specification has been addressed by the amendments in the Response mailed February 2, 2006.

#### Claim Objections

The Examiner has objected to claims 78, 80, 83, 90, 91, 95, 96 and 101.

Applicants respectfully submit that claim 72 (which Applicants believe Examiner meant instead of claim 78) and claim 83 have been amended to overcome the objection. Applicants respectfully submit that claim 80 has also been amended to overcome the objection. Applicants respectfully submit that claim 101 has been amended to overcome

the objection. Claims 90, 91, 95, 96 have been cancelled, and therefore the objection to these claims is believed to be moot.

#### **Claim Rejection Under 35 USC §112**

Claims 68-80 and 94-98 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The rejection of claim 68 is believed to be moot in view of the amendments above. Applicants respectfully submit that claim 69 has been amended to overcome the objection.

Claims 94-98 have been cancelled, and therefore the rejection is believed to be moot.

#### **Allowable Subject Matter**

Applicants note with appreciation the Examiner's allowance of claim 100.

Claim 100 has been rewritten in independent form including the limitations of the base claim and any intervening claims. Accordingly, Applicants respectfully request that the Examiner pass claim 100 to allowance.

#### **35 U.S.C. §103(a) Rejection - Fukushima**

The Examiner has rejected claims 81-93, 99, 101 and 102 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,587,985 issued to Fukushima et al. (hereinafter referred to as "Fukushima"). The Applicants respectfully submit that the present claims are allowable over Fukushima.

Claim 81 pertains to a method comprising:

*"transmitting digital television data to each of a plurality of reception systems by one or more transmission methods selected from broadcasting and narrowcasting;*

*receiving feedback from each of the plurality of reception systems, each feedback indicating digital television data that is missing for one of the reception systems;*

*determining a subset of digital television data that is indicated to be missing for the plurality of reception systems to be re-transmitted, wherein said determining the subset comprises using an algorithm, wherein the algorithm determines the subset based in part on a type of the digital television data and on how strongly quality is affected by digital television data that is missing including determining to provide*

missing content if a predetermined run-length of sequential missing content portions are indicated to be missing in the received feedback; and  
transmitting the subset”.

Fukushima does not teach or suggest these limitations. In particular, Fukushima does not teach or suggest: (a) that the algorithm determines the subset based in part on a type of the digital television data; and (b) that the algorithm determines to provide missing content if a predetermined run-length of sequential missing content portions are indicated to be missing in the received feedback.

For at least these reasons, claim 81 and its dependent claims are believed to be allowable.

### 35 U.S.C. §103(a) Rejection - Okada ‘668

The Examiner has rejected claims 81-93, 99, 101 and 102 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,838,688 issued to Okada et al. (hereinafter referred to as “Okada ‘668”). The Applicants respectfully submit that the present claims are allowable over Okada ‘668.

Claim 81 pertains to a method comprising:

*“transmitting digital television data to each of a plurality of reception systems by one or more transmission methods selected from broadcasting and narrowcasting;*

*receiving feedback from each of the plurality of reception systems, each feedback indicating digital television data that is missing for one of the reception systems;*

*determining a subset of digital television data that is indicated to be missing for the plurality of reception systems to be re-transmitted, wherein said determining the subset comprises using an algorithm, wherein the algorithm determines the subset based in part on a type of the digital television data and on how strongly quality is affected by digital television data that is missing including determining to provide missing content if a predetermined run-length of sequential missing content portions are indicated to be missing in the received feedback; and*

*transmitting the subset”.*

Okada ‘668 does not teach or suggest these limitations. In particular, Okada ‘668 does not teach or suggest: (a) that the algorithm determines the subset based in part on a type of the digital television data; and (b) that the algorithm determines to provide missing content if a predetermined run-length of sequential missing content portions are indicated to be missing in the received feedback.

For at least these reasons, claim 81 and its dependent claims are believed to be allowable.

**35 U.S.C. §103(a) Rejection – Okada '668 and Okada '028**

The Examiner has rejected claims 82-84, 87, 90-92 and 101 under 35 U.S.C. §103(a) as being unpatentable over Okada '668 in view of U.S. Patent No. 6,484,028 issued to Okada et al. (hereinafter referred to as "Okada '028").

As understood by Applicants, neither Okada '668 nor Okada '028 teach or suggest the limitations of claim 81. Accordingly, claim 81 and its dependent claims 82-84 are believed to be allowable.

Claims 87, and 90-92 have been cancelled, and therefore the rejection of these claims is believed to be moot.

Claim 101 has been amended to depend from claim 100, which has been indicated to be allowable. Accordingly, for at least this reason claim 101 is also believed to be allowable.

**35 U.S.C. §103(a) Rejection – Alessi and Fukushima**

The Examiner has rejected claims 68-71, 74, 79, 94, 97 and 98 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,058,027 issued to Alessia (hereinafter referred to as "Alessi") in view of Fukushima.

As amended, claim 68 pertains to a method comprising:

*"receiving digital television data;*

*determining that a content portion is missing from the received digital television data by determining that an identifier in a manifest does not correspond to an identifier of any of a plurality of received content portions of the received digital television data; and*

*transmitting feedback indicating the missing content portion".*

Alessi and Fukushima do not teach or suggest these limitations. In particular, Alessi and Fukushima do not teach or suggest determining that an identifier in a manifest does not correspond to an identifier of any of a plurality of received content portions of the received digital television data in combination with the other claim limitations.

For at least these reasons, claim 68 and its dependent claims are believed to be allowable.

Claims 94-98 have been cancelled, and therefore the rejection of these claims is believed to be moot.

**35 U.S.C. §103(a) Rejection – Alessi, Fukushima and Okada**

The Examiner has rejected claims 72, 80, 95 and 96 under 35 U.S.C. §103(a) as being unpatentable over Alessi in view of Fukushima, as applied to claim 68 above, and further in view of Okada.

As discussed above, claim 68 is believed to be allowable over Alessi and Fukushima. Okada does not remedy what is missing from Alessi and Fukushima. Accordingly, claim 68 is believed to be allowable over Alessi, Fukushima, and Okada. Claims 72 and 80 depend from claim 68 and are also believed to be allowable over Alessi, Fukushima, and Okada.

Claims 95 and 96 have been cancelled, and therefore the rejection of these claims is believed to be moot.

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**Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

**Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

**Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

**Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
LLP

Dated: 3/8/07

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